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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 9

Application Number: 09/680,107
Filing Date: October 04, 2000
Appellant(s): REID, GLENN

Arlen M. Hartounian
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/28/2003.

(1)   ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2)   *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4)   *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5)   *Summary of Invention*

The summary of invention contained in the brief is correct.

(6)   *Issues*

The appellant's statement of the issues in the brief is correct.

(7)   *Grouping of Claims*

The rejection of claims 1- 26 stand or fall together because appellant's brief does not

include a statement that this grouping of claims does not stand or fall together and reasons in

support thereof. See 37 CFR 1.192(c)(7).

(8)   *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   *Prior Art of Record*

6501476   Gould et al.   12-2002

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Gould et al. U.S.

Pat. No. 6,501,476.

3.   Claim 1:

The Gould reference teaches a method of manipulating a presentation of a time based

stream of information in a processing system (see the abstract; figures 1 and 3), the method

comprising:

A)   Adding an edit feature (figure 3; column 3, lines 40-49;column 4, lines 19-44;

column 5, lines 61-67; column 6, lines 1-22) to the presentation to create a revised presentation

in response to a user edit command (figure 3; column 3, lines 40-49;column 4, lines 19-44;

column 5, lines 61-67; column 6, lines 1-22), and

B)   Creating a proxy of the revised presentation and displaying the proxy during the

adding (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6,

lines 1-22; column 9, lines 38-67; column 10, lines 1-65).

Claim 2:

The claim 2 encompasses the same scope of invention as that of claim 1 except additional

claimed limitation of displaying units of the presentation in response to the user edit command

and sending instructions for creating the proxy when a unit requiring modification is reached.

However, the Gould reference further discloses the claimed limitation of displaying units of the

presentation in response to the user edit command (figures 3 and 14) and sending instructions for

creating the proxy when a unit requiring modification is reached (column 5, lines 43-67; column

6, lines 1-22).

Claim 3:

The claim 3 encompasses the same scope of invention as that of claim 1 except additional

claimed limitation of creating proxy by drawing an imitation of the edit feature. However, the

Gould reference further discloses the claimed limitation of creating proxy by drawing an

imitation of the edit feature (e.g., figures 3 and 14; column 7, lines 57-67; column 8, lines 1-35).

Claim 4:

The claim 4 encompasses the same scope of invention as that of claim 3 except additional

claimed limitation of the edit feature being text and the imitation including simulated character,

size and font. However, the Gould reference further discloses the claimed limitation of the edit

feature being text and the imitation including simulated character, size and font (e.g., the

parameter plug-ins and meta data in the meta database; column 10, lines 5-27).

Claim 5:

The claim 5 encompasses the same scope of invention as that of claim 1 except additional

claimed limitation of a first software component having instructions for adding the edit feature

and the first software component being separate from a second software component that has

instructions for creating the proxy. However, the Gould reference further discloses the claimed

limitation of a first software component having instructions for adding the edit feature (through

the graph editor or an effect user interface UI 320; column 3, lines 40-49; column 5, lines 15-67;

column 6, lines 1-22; column 9, lines 10-18) and the first software component (e.g., COM

components; column 3, lines 50-67) being separate from a second software component (e.g.,

DLLs; column 11, lines 19-36) that has instructions for creating the proxy (e.g., column 3, lines

21-65).

Claim 6:

The claim 6 encompasses the same scope of invention as that of claim 5 except additional

claimed limitation of the second software unit being a plug-in or ActiveX control. However, the

Gould reference further discloses the claimed limitation of the second software unit being a plug-

in or ActiveX control (column 3, lines 21-65; column 11, lines 19-36).

Claim 7:

The claim 7 encompasses the same scope of invention as that of claim 1 except additional

claimed limitation of displaying of the proxy at a rate that is substantially less than the play rate

of the time-based stream of information. However, the Gould reference further discloses the

claimed limitation of displaying of the proxy at a rate that is substantially less than the play rate

of the time-based stream of information (column 1, lines 24-34, and column 2, lines 7-14).

4.   Claim 8:

The Gould reference teaches a digital processing system comprising:

A)   A capture port for acquiring a time-based stream of information (figure 1; column 5, lines 13-23);

B)   A storage (figure 1; column 3, lines 1-18);

C)   A display (figure 1; column 3, lines 1-18); and

D)   A processor (figure 1; column 3, lines 1-18) for:

i)   Adding an edit feature (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22) to the presentation to create a revised presentation in response to a user edit command (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22), and

ii)   Creating a proxy of the revised presentation and displaying the proxy during the adding (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22; column 9, lines 38-67; column 10, lines 1-65).

Claims 9-14:

The claims 9-14 encompass the same scope of invention as that of claims 2-7. The claims are subject to the same reasoning as given in claims 2-7.

5.   Claim 15:

The Gould reference teaches a processing system for generating a presentation of a time-based stream of information (figures 1 and 3) comprising:

A)   Means for adding an edit feature (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22) to the presentation to create a revised presentation in response to a user edit command (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22), and

B)   Means for creating a proxy of the revised presentation during the adding (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22; column 9, lines 38-67; column 10, lines 1-65); and

C)   Means for displaying the proxy during the adding (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22; column 9, lines 38-67; column 10, lines 1-65).

Claims 16-20:

The claims 16-20 encompass the same scope of invention as that of claims 2-4 and 6-7. The claims are subject to the same reasoning as given in claims 2-4 and 6-7.

6.   Claim 22:

The Gould reference teaches a computer readable medium (column 3, lines 1-65) having stored therein a plurality of sequences of executable instructions (column 3, lines 22-65), which when executed by a processing system (figure 1) for collecting a time based stream of information (abstract) and generating a presentation, cause the processor to:

A)   Add an edit feature (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22) to the presentation to create a revised presentation in response to a user edit command (figure 3; column 3, lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22);

B)   Create a proxy of the revised presentation during the adding (figure 3; column 3,

lines 40-49;column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22; column 9, lines

38-67; column 10, lines 1-65); and

C)   Display the proxy during the adding (figure 3; column 3, lines 40-49;column 4,

lines 19-44; column 5, lines 61-67; column 6, lines 1-22; column 9, lines 38-67; column 10, lines

1-65).

Claims 22-26:

The claims 22-26 encompass the same scope of invention as that of claims 2-7. The

claims are subject to the same reasoning as given in claims 2-7.

(11)   Response to Argument

In the remarks, the Appellant argued with respect to the claims in Group I in substance:

(A) "Gould describes a rendering system where images are rendered according to a

priority. Priority is first given to images currently being viewed by a user, then to the first

and last images of the output sequence, and finally to the remaining images (Col. 1, lines

37-48, see also Col. 6, lines 23-24). This is not a proxy. As noted above, a proxy is a

simulation of the modifications that indicate how a modified presentation will appear

once rendered. Instead, Gould teaches that the actual output is being rendered, and to

expedite the display of the output, frames which the user is likely to see first are rendered

first. Gould teaches rendering a subset of a video sequence first, and displaying that

portion to a user while the remainder is still render (Col. 1, lines 58-64). These frames are

a portion of the output, rather than a proxy. Therefore, <u>Gould</u> cannot disclose creating a

proxy and displaying the proxy."

In response to the argument in (A), the Examiner notes that the Appellant argument regarding a

definition of the claim element "a proxy" as "a proxy is a simulation of the modifications that

indicate how a modified presentation will appear once rendered" cannot be found in the claims.

However, in other occasions, Appellant states that creating the proxy is by drawing an imitation

of the edit feature and an imitation of the edit feature is a substituted representation that can be

played while the actual edit feature is being rendered. By so doing, Appellant attempts to more

specifically redefine or equate "a proxy" as "a substituted representation that can be played while

the actual edit feature is being rendered".

Therefore, the claim limitation set forth in the claim 1 does not clearly define the term

"proxy." However, the Appellant argues that, "a proxy is a simulation of the modifications that

indicate how a modified presentation will appear once rendered". Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim limitation set forth in the claim 1 called for "*creating a proxy of the revised

presentation and displaying the proxy during the adding.*" Gould clearly teaches this claim

limitation. In a non-limiting example, in view of what being claimed in the claim 1, Gould meets

the claim limitation of a proxy because a representation/output of the proxy effect meets the

claim limitation of "a proxy" and a representation/output of one of the successive proxy effects

in a chain of proxy effects as applied to the presentation or revised presentation constitutes "a

proxy of the revised presentation". Gould's teaching of displaying the representation of the proxy

effects applied to a video stream during or throughout the process of applying a chain of proxy

effects to the video stream meets the claim limitation of "displaying the proxy during the adding"

because *a chain of proxy effects are linked and therefore applying a chain of effects constitutes*

"adding an edit feature" (Note: The more limiting Claim 4 recites the edit feature being text and

therefore adding text to a presentation is considered to be more limiting than the claim limitation

of "adding an edit feature" set forth in the Claim 1. In the non-limiting example, Gould teaches

adding a linked list of proxy effects to a presentation).

In the non-limiting example, Gould teaches a user edit command such as re-rendering

commands in the form of a "To do" queue and *a list of rendering jobs to be done*. Gould teaches

a cache memory for storing the **proxy effect's output** as soon as it becomes available (column

4, lines 20-25) and the output of a proxy effect must be either generated or if available, *retrieved*

from a cache store (column 4, lines 50-56). The cache copy of the revised video stream is a

temporary output or intermediate or a substitute output (although it can also be the actual or

final output) of the revised presentation. It clearly meets the claim limitation of a proxy of the

revised presentation. A cache copy of Gould may be a rendered output of a *preceding proxy*

effect (a revised presentation) on *a chain of effects* corresponding to a *linked* list of rendering

jobs.

In column 10, Gould teaches a cache being provided in the system memory 150 and is

able to store images 1110 (figure 15) and non-image rendered outputs 1130 from effects (e.g., a

motion vector in the case of a motion tracking effect). Gould teaches *the cached output can be*

re-used throughout **a redo/undo** *operating session* until a final image is rendered. In column 7,

Gould further teaches *user's setting up of logical links* so that temporary or intermediate

substitute representation of the rendered output is passed from **one proxy effect to the next**

proxy effect in a chain of effects until a final or **real** representation of the image is rendered.

Furthermore, the **substitute representation of** the rendered output is stored in the cache

(because cache memory can be overwritten) while the **real** or initial or final image is stored in

elsewhere in memory 150.

The Examiner notes that it cannot be said that a proxy is not a rendered output of a proxy

effect because a proxy has to be displayed as required by the claim and the output of the

presentation has to be sent to the display device for the purpose of displaying after being

rendered in the above non-limiting example of applying proxy effects to a video stream.

Furthermore, in a different perspective, Gould teaches issuing an edit command for

changing a parameter associated with a proxy effect and *some cached data outputs* (a substitute

of the revised presentation) may be **viewed in the viewer windows** (column 5, lines 60-66;

column 6, lines 1-15) and the actual or final rendered output of the video streams can be

produced after applying the proxy effects to the video streams.

Therefore, based on the above teaching of Gould, Gould teaches adding an edit feature

(e.g., applying one or more new or existing proxy effects in a chain of effects or **adding the**

lighting effects to an image wherein the real image is being kept elsewhere such as in a frame

buffer memory store; column 5) to the presentation (video stream or an image) to create a revised

presentation (e.g., a cached output/representation of an image or a video stream) in response to a

user edit command (edit commands as taught by Gould includes proxy effects re-rendering

commands, entering a changed parameter for changing proxy effects, set and get command, etc.)

and creating a proxy (e.g., a temporary or intermediate cache output or **substitute**

output/representation of a proxy effect in chain of effects applied to an image or video stream)

of the revised presentation and displaying the proxy during the adding (displaying the temporary

cache copy or the substitute output of the image or video stream during the applying of a chain of

effects to the image or video stream).

It should also be brought to attention to the Board that, in column 6, Gould teaches

creating a proxy of the revised presentation (all the dependency images such as image 4, image 3

constitute temporary or intermediate or substitute representation of the final rendered images to

be rendered) and a list of render jobs before the required image (image 5) can be rendered.

Therefore, based on the above teaching of Gould, Gould teaches adding an edit feature

(e.g., applying a list of render jobs) to the presentation (video stream or an image wherein the

real image is being kept elsewhere in a memory) to create a revised presentation (e.g., image 4,

image 3) in response to a user edit command (issuing a re-render command to the effects server.

See column 6) and creating a proxy (e.g., one of the temporary or intermediate or substitute

outputs of the image or video stream) of the revised presentation and displaying the proxy during

the adding (displaying the substitute outputs of the image or video stream during or throughout

the process the applying of a list of render jobs or adding of the lighting effects because a list of

render jobs can be logically linked so that it constitute a complete edit feature).

In the remarks, the Appellant argued with respect to the claims in Group I in substance:

(B) "Therefore, the proxy effects as taught by Gould assist the effects processing of the

software to reduce the amount of necessary processing, rather than the proxy as taught by

claim 1, which is created in response to a user command and displayed during the adding

of an edit feature."

In response to the argument in (B), the Examiner asserts that a temporary copy or intermediate or

substitute output of an image or video stream to the viewer window constitutes a proxy of the

revised presentation. Here, a proxy effect is not considered to be equivalent to the Appellant's

claim limitation of "a proxy". However, applying a proxy effect to produce a cache output as an

intermediate or substitute output image is considered to be equivalent to the Appellant's claim

limitation of "a proxy" and applying the proxy effect in a chain of effects to a presentation is

equivalent to adding an edit feature to the presentation.

In the remarks, the Appellant argued with respect to the claims in Group I in substance:

>(C) "Since the proxy effects as taught by <u>Gould</u> is part of the core architecture, it must be
>
>loaded when the program is started, and there are a limited number of proxy effects. Also,
>
>the proxy effect is located in the core processing section of the architecture, and is not
>
>directly linked with the viewed window (See Fig. 3). Therefore, it cannot be said that the
>
>proxy effect as taught by <u>Gould</u> is displayed, as in many of the pending claims."

In response to the argument in (C), the Examiner notes that Gould substantially teaches the

<u>viewer window</u> interacts with the effect UI 320 to *display the re-rendered effect* output (column

6). The Examiner wishes to point out that the Appellant's statement that "it cannot be said that

proxy effect as taught by Gould is displayed" is incorrect. **Although the proxy effect is not**

directly linked with the viewed window, it does not prevent the viewer window from

displaying the proxy effect, or more precisely to say, displaying the representation/output

of the proxy effect applied to the video stream (See column 6 wherein Gould teaches the

output of a proxy effect can be displayed).

In the remarks, the Appellant argued with respect to the claims in Group II in substance:

> (D) "Claim 3 includes a limitation of wherein creating the proxy is by drawing an
>
> imitation of the edit feature. Claim 3 depends from Claim 1, and therefore includes all the
>
> limitation of claim 1. An imitation may, for example, be a simulation of the character,
>
> size, and or font of the edit feature being rendered by the system where the edit feature is
>
> text (See Specification, Page 5, lines 18-20)."

In response to the argument in (D), Gould clearly fulfills Claim 3. For example, in column 6,

Gould teaches creating a proxy of the revised presentation (all the dependent images such as

image 4, image 3 constitute temporary or intermediate or substitute image output during the

process of rendering) and a list of render jobs (edit features) before the required image (image 5)

can be finally rendered. The dependency images such as images 3 and 4 etc. before the final

rendered output image 5 constitute the imitations of the edit feature (a list of render jobs). The

actual and final representation of the image is specified as the image 5.

Moreover, drawing the dependency images clearly meets the claim limitation of drawing

an imitation of the edit feature because drawing the dependency images is in response to the re-

render command and the dependency images are imitations of the final rendered image.

In the remarks, the Appellant argued with respect to the claims in Group II in substance:

(E) "The prior art reference does not disclose the claimed limitation of wherein creating

the proxy is by drawing an imitation of the edit feature. An imitation of the edit feature is

not the actual edit feature itself, but rather a substituted representation that can be played

while the actual edit feature is being rendered. As was previously discussed, Gould

teaches where the output of a rendering system is prioritized, so that certain frames are

rendered and displayed first. Thus, the actual rendering is displayed, rather than an

imitation. The actual output of a rendering cannot be said to be an imitation, and as a

result Gould does not anticipate claim 3."

In response to the argument in (E), Gould clearly fulfills Claim 3. For example, in column 6,

Gould teaches creating a proxy of the revised presentation (all the dependent images such as

image 4, image 3 constitute temporary or intermediate or substitute image output during the

process of rendering) and a list of render jobs (edit features) before the required image (image 5)

can be finally rendered. The dependency images such as images 3 and 4 etc. before the final

rendered output image 5 constitute the imitations of the edit feature (a list of render jobs). The

actual and final representation of the image is specified as the image 5.

Moreover, drawing the dependency images clearly meets the claim limitation of drawing

an imitation of the edit feature because drawing the dependency images is in response to the re-

render command and the dependency images are imitations of the final rendered image.

In the remarks, the Appellant argued with respect to the claims in Group III in substance:

> (F) "The prior art reference does not disclose the claimed limitation of a first software
> component separate from a second software component. Gould teaches where plug-ins
> are implemented as DLLs (Col. 8, lines 64-65), and where the core framework of the
> software communicates with the plug-ins via COM interfaces (Col. 3, lines 66-67). The
> plug-ins are used to implement the special effects. Therefore, the plug-ins taught by
> Gould create the effects. Since Gould only displays a portion of actual rendered output
> where the remainder of the video is rendering (see above), the rendered output is all
> created by the same source (the plug-ins). As a result, it cannot be said that Gould teaches
> a first software component to add and edit feature and a second software element to
> create a proxy."

In response to the argument in (F), the claim limitation requires two software components.
However, a software system implements many individual objects or many pieces of
codes/instructions. Some code segments within an integral software system are responsible for
certain functionality such as adding the edit feature and some code segments are responsible for
certain functionality such as creating the proxy. In a non-limiting example, as taught by Gould in
column 3, a software designer can implement *different sections or components* of a computer
programme as so-called COM objects wherein each COM object supports one or more COM
interfaces and each includes a number of methods that *carry out a specific action*.

For example, the core processor 340 includes three software components such as the
render manager 352 and the changer manager 358. The render manager 352 controls the render
tasks wherein *a proxy can be created during the rendering*. The changer manager 358 controls

undo/redo information and the notification of changes to various parts of the system wherein *an*

edit feature can be added.

conferee   Jeffery Brier

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